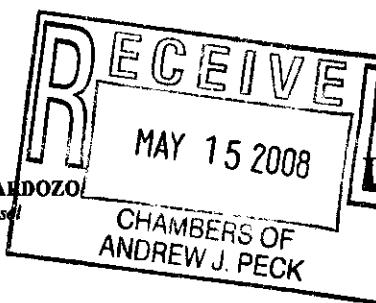




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Corporation Counsel



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

BY FACSIMILE: (212)-805-7933

Honorable Andrew J. Peck
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1370
New York, New York 10007-1312

Re: Eddie Cotto v. Undercover John Doe Shield No.: 1133, et al.,
07 CV 7656 (APS) (AJP)

Your Honor:

I am the Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of the above-referenced matter on behalf of defendants Detective Ramos and Sergeant Harrington.¹ I write further to Your Honor's February 9, 2008 Order which directed each party to notify the Court by May 16, 2008 as to whether it intends to move for summary judgment. I write to advise the Court that defendants intend to move for summary judgment, and respectfully request the Court's permission to do so. Should the Court grant the within request, we respectfully request that Court adopt the following briefing schedule:

Defendants Motion Due:	On or before May 30, 2008
Plaintiff's Opposition Due:	On or before June 13, 2008
Defendants' Reply Due:	On or before June 20, 2008

MEMO ENDORSED

Signed today. (If no reply, we have to respond, so stand by for it.)

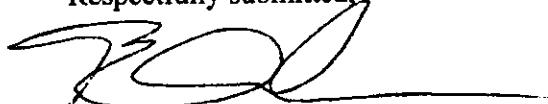
SO ORDERED:
[Signature]
 Hon. Andrew Jay Peck
 United States Magistrate Judge
[Signature]
 (f/a)

¹ From a review of the docket sheet, it does not appear that the individuals identified in the caption of the Second Amended Complaint as Detective Pabon and "Undercover John Doe, Shield #1133" have been served with a copy of the Second Amended Complaint. Moreover, upon information and belief, these individuals have not requested legal representation from the Office of the Corporation Counsel.

BY FAX

In view of the foregoing, it is respectfully requested that the Court grant the within request. Thank you for your consideration herein.

Respectfully submitted,



Brian Francolla
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Mr. Eddie Cotto (By mail)
Plaintiff *Pro Se*
DIN # 06-R-5209
Mohawk Correctional Facility
6100 School Road
PO Box 8451
Rome, New York 13442-8451

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: May 15, 2008

Total Number of Pages: 3

TO	FAX NUMBER
Brian Francolla, Esq.	212-788-9776

TRANSCRIPTION:

MEMO ENDORSED 5/15/08

Schedule approved. (If Mr. Cotto needs more time to respond, he should ask for it.)

Copy to: Eddie Cotto (Mail)